

**TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, JANUARY 31, 2003**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Barrett, Bedke, Crow, Jaquet.
Total -- 4.

Total -- 70.

Prayer was offered by Father Douglas Yarbrough.

The Pledge of Allegiance was led by Danielle Cooper, Page.

Approval of Journal

January 31, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fifth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Boe. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

January 31, 2003

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 13**, **H 61**, and **H 3** and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H 13

AMENDMENT TO SECTION 3

On page 2 of the printed bill, in line 19, delete "." and insert: "Provided that when sales will be offered to the public and sold to the highest responsible bidder, notice of such sale shall be

published in at least a newspaper of general circulation in accordance with section 60-106, Idaho Code, for at least two (2) weeks prior to such offering.".

HOUSE AMENDMENT TO H 61

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 15, following "conviction" insert: "of a violation of this code.".

CORRECTION TO TITLE

On page 1, in line 4, following "DIRECTOR" insert: "AND TO CLARIFY PENALTIES".

HOUSE AMENDMENT TO H 3

AMENDMENTS TO SECTION 1

On page 2 of the printed bill, in line 1, delete "cause to be disseminated by widest possible means" and insert: "publish in a newspaper in general circulation within the county once a week for three (3) consecutive weeks"; in line 2, delete "and" and insert: "1"; and also in line 2, following "person" insert: "and offense the offender has committed"; and also in line 2, delete "seven (7)" and insert: "thirty (30)"; and also in line 2, following "registration." insert: "The sheriff shall charge a fee of fifty dollars (\$50.00) in addition to any other fees authorized by this chapter to be paid by the sex offender to offset the cost of publication.".

CORRECTION TO TITLE

On page 1, in line 3, delete "WIDEST POSSIBLE DISSEMINATION" and insert: "PUBLICATION IN A NEWSPAPER".

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

H 3, as amended, **H 13**, as amended, and **H 61**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

January 31, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 132**, **H 133**, **H 134**, **H 135**, and **H 136**.

FIELD(18), Chairman

H 132, **H 133**, and **H 134** were referred to the Business Committee.

H 135 and **H 136** were referred to the Revenue and Taxation Committee.

January 31, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 55**, **H 74**, and **H 77**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 55**, **H 74**, and **H 77**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

January 30, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 103** and **H 104** and recommend that they do pass.

WOOD, Chairman

H 103 and **H 104** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 137 BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE TITLES; AMENDING CHAPTER 5, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-512A, IDAHO CODE, TO PROVIDE THAT A TRANSACTION INVOLVING A MOTOR VEHICLE OR TRAILER DOES NOT CREATE A SALE OR SECURITY INTEREST MERELY BECAUSE THE TRANSACTION INCLUDES A TERMINAL RENTAL ADJUSTMENT CLAUSE.

HOUSE BILL NO. 138 BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO IMPLEMENTS OF HUSBANDRY; AMENDING SECTION 49-1010, IDAHO CODE, TO PROVIDE THAT LIMITATIONS AS TO SIZE OF VEHICLES SHALL NOT APPLY TO ANY TRAILER NOT WIDER THAN THE IMPLEMENT OF HUSBANDRY USED IN THE TRANSPORTATION OF IMPLEMENTS OF HUSBANDRY FOR AGRICULTURAL OPERATIONS, TO DELETE THE TWENTY-FIVE MILE PER HOUR SPEED LIMIT FOR FARM TRACTORS OR IMPLEMENTS OF HUSBANDRY AND TO MAKE TECHNICAL CORRECTIONS.

H 137 and **H 138** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration

Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HJM 1, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 35, by Mr. Speaker, requested by Idaho Forest Production Commission, was read the second time by title and filed for third reading.

H 7, by Mr. Speaker, requested by Bureau of Occupational Licenses, was read the second time by title and filed for third reading.

H 52, by Mr. Speaker, requested by Idaho Commission on Aging, was read the second time by title and filed for third reading.

SCR 101, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 30 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **H 30** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker.
Total -- 66.

NAYS -- None.

Absent and excused -- Barrett, Bedke, Crow, Jaquet.
Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 30** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 59 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **H 59** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Lake, Langford, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Kulczyk, McKague. Total -- 2.

Absent and excused -- Barrett, Bedke, Crow, Henbest, Jaquet, Langhorst. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 59** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 60 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Douglas to open debate.

The question being, "Shall **H 60** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jones, Kellogg, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- Gagner, Kulczyk. Total -- 2.

Absent and excused -- Barrett, Bedke, Crow, Jaquet, Langhorst. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 60** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 83 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts and Mr. Cuddy to open debate.

The question being, "Shall **H 83** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Barrett, Bedke, Crow, Jaquet.

Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 83** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 44 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall **H 44** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Harwood, Henbest, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Barrett, Bedke, Crow, Garrett, Jaquet. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 44** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 88** retain its place on the Third Reading Calendar for Monday, February 3, 2003. There being no objection, it was so ordered.

S 1022 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open

debate.

The question being, "Shall **S 1022** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Harwood, Henbest, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Barrett, Bedke, Crow, Garrett, Jaquet. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1022** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1025 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **S 1025** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Jones, Meyer. Total -- 2.

Absent and excused -- Barrett, Bedke, Crow, Jaquet. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1025** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney asked unanimous consent that **H 114** retain its place on the Third Reading Calendar for Monday, February 3, 2003. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Monday, February 3, 2003. Seconded by Ms. Boe. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:50 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk